

§ 15a.59

§ 15a.59 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona-fide occupational qualification for the particular job in question.

§ 15a.60 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is "Miss or Mrs."

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by this part.

§ 15a.61 Sex as a bona-fide occupational qualification.

A recipient may take action otherwise prohibited by this subpart provided it is shown that sex is a bona fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section which is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee's sex in relation to employment in a locker room or toilet facility used only by members of one sex.

Subpart F—Procedures (Interim)

§ 15a.71 Interim procedures.

For the purposes of implementing this part during the period between its effective date and the final issuance by the Department of a consolidated procedural regulation applicable to title IX and other civil rights authorities administered by the Department, the procedural provisions applicable to

7 CFR Subtitle A (1-1-07 Edition)

title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 7 CFR 15.5-15.11 and 7 CFR 15.60 *et seq.*

APPENDIX TO SUBPART F OF PART 15A

Programs covered by Title IX include, but are not limited to, the following:

1. Community Facilities Program. 7 U.S.C. 1926(a)(1).
2. Permits for use of National Forests. 16 U.S.C. 497; 16 U.S.C. 432; 7 U.S.C. 1011(c), (d).
3. Permits for use of Government-owned improvements and land used therewith by other than individuals at a nominal charge. 16 U.S.C. 580d.
4. Revenue sharing payment to States: (a) Payment of 25 percent of National Forest receipts to States for schools and roads. 16 U.S.C. 500. (b) Payment to New Mexico and Arizona of proportion of National Forest receipts for common-school fund. Sections 6 and 24, Act of June 20, 1910. 36 Stat. 557, 562, 573. (c) Payment of 25 percent of net revenues from Title III, Bankhead-Jones Farm Tenant Act, lands to counties for school and road purposes. 7 U.S.C. 1012.
5. Technical assistance in forest management. 16 U.S.C. 568c, 568d.
6. General forestry assistance. Annual Appropriation Acts commencing with the Department Appropriation Act of 1905; Organic Act of 1862, 7 U.S.C. 2201.
7. Financial assistance to private timber organizations to carry out timber development programs. 40 U.S.C. 204.
8. Advance of funds for cooperative research. 16 U.S.C. 581i-1.
9. Research cooperation. 16 U.S.C. 581 *et seq.*
10. Grants for research. 7 U.S.C. 450i.
11. Food Distribution Program. 7 U.S.C. 612c, 1431; 42 U.S.C. 1755, 1758, 1761; 42 U.S.C. 1777.
12. National School Lunch Program. 42 U.S.C. 1751 *et seq.*
13. Special Milk Program. 42 U.S.C. 1772.
14. School Breakfast Program. 42 U.S.C. 1773.
15. Special Food Service Program for Children. 42 U.S.C. 1761.
16. Special Supplemental Food Program for Women, Infants, and Children. 42 U.S.C. 1786.
17. Cash grants to States for nutrition education. 42 U.S.C. 1787, 1788.
18. Advisory services studies for farmers cooperatives. 7 U.S.C. 451-457.
19. Cooperative Agricultural Extension Service. 7 U.S.C. 341-349; D.C. Code 31-1609.
20. Resource Conservation and Development Program. 16 U.S.C. 590a.
21. Educational Aspects of Agricultural Marketing Act, 7 U.S.C. 1623-1624.
22. Hatch Act research programs. 7 U.S.C. 361a-i.
23. Experiment Station Research Facilities. 7 U.S.C. 390a-k.

Office of the Secretary, USDA

§ 15b.2

- 24. McIntire-Stennis Cooperative Forestry Research Program. 16 U.S.C. 582a-582a-7.
- 25. Rural Development and Small Farm Research and Education Program, 7 U.S.C. 2661 *et seq.*
- 26. Youth Conservation Corps. 16 U.S.C. 1701 *et seq.*
- 27. Young Adult Conservation Corps. 29 U.S.C. 993 *et seq.*
- 28. Agricultural Research and Education Grants Program. 7 U.S.C. 3151 *et seq.*
- 29. National Food and Human Nutrition Research and Extension Program. 7 U.S.C. 3171 *et seq.*
- 30. Animal Health and Disease Research Program. 7 U.S.C. 3191 *et seq.*
- 31. The 1890 Land-Grant College Funding Program. 7 U.S.C. 3221 *et seq.*
- 32. Solar Energy Research and Development Program. 7 U.S.C. 3241, 3261-62, 3271.

PART 15b—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—General Provisions

- Sec.
- 15b.1 Purpose.
- 15b.2 Applicability.
- 15b.3 Definitions.
- 15b.4 Discrimination prohibited.
- 15b.5 Assurances required.
- 15b.6 Designation of responsible employee and adoption of grievance procedures.
- 15b.7 Notice of nondiscrimination and accessible services.
- 15b.8 Remedial action, voluntary action, and self-evaluation.
- 15b.9 Effect of State or local law or other requirements, and effect of employment opportunities.
- 15b.10 Effect of compliance with regulations of other Federal agencies.

Subpart B—Employment Practices

- 15b.11 Applicability.
- 15b.12 Discrimination prohibited.
- 15b.13 Reasonable accommodation.
- 15b.14 Employment criteria.
- 15b.15 Preemployment inquiries.

Subpart C—Accessibility

- 15b.16 Applicability.
- 15b.17 Discrimination prohibited.
- 15b.18 Existing facilities.
- 15b.19 New construction.

Subpart D—Preschool, Elementary, Secondary, Adult, and Extension Education

- 15b.20 Applicability

- 15b.21 Location and notification.
- 15b.22 Free appropriate public education.
- 15b.23 Educational setting.
- 15b.24 Evaluation and placement.
- 15b.25 Procedural safeguards.
- 15b.26 Nonacademic services.
- 15b.27 Extension education.
- 15b.28 Private education.

Subpart E—Postsecondary Education

- 15b.29 Applicability.
- 15b.30 Admissions and recruitment.
- 15b.31 Treatment of students.
- 15b.32 Academic adjustments.
- 15b.33 Housing.
- 15b.34 Financial and employment assistance to students.
- 15b.35 Nonacademic services.

Subpart F—Other Aid, Benefits, or Services

- 15b.36 Applicability.
- 15b.37 Auxiliary aids.
- 15b.38 Health care facilities.
- 15b.39 Education of institutionalized persons.
- 15b.40 Food services.
- 15b.41 Multi-family rental housing.

Subpart G—Procedures

- 15b.42 Procedures.

APPENDIX A TO PART 15b—LIST OF FEDERAL FINANCIAL ASSISTANCE FROM USDA

AUTHORITY: 29 U.S.C. 794.

SOURCE: 47 FR 25470, June 11, 1982, unless otherwise noted.

Subpart A—General Provisions

§ 15b.1 Purpose.

The purpose of this part is to implement section 504 of the Rehabilitation Act of 1973, as amended, to the end that no otherwise qualified handicapped individual in the United States shall solely by reason of his or her handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 15b.2 Applicability.

This part applies to all programs or activities that receive Federal financial assistance extended by the Department of Agriculture after the effective date of this part whether or not the assistance was approved after the effective date. Subparts A, B, and C are of general applicability. Subparts D, E,